



December 1, 2003

Mark W. Sajewycz  
Gowling Lafleur Henderson  
Commerce Court West, Suite  
Toronto, Ontario M5L 1J3  
Canada

In re application of:  
Brotherston et al                      DECISION ON PETITION  
Serial No.: 09/745,522  
Filed: December 26, 2001  
For: COMMODE CHAIR SEAT

This is a decision on the petition received on June 23, 2003, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice of Missing Parts of Application mailed February 5, 2001. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned April 6, 2001. The notice of abandonment was mailed on June 2, 2003.

On June 23, 2003, the office received a communication from the attorney of record. Enclosed was an acknowledgement that the attorney responded to the Notice of Missing Parts on April 27, 2001.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice of Missing Parts on April 27, 2001.

The petition is hereby Granted.

The application has been completed for release to Technology Center 3636.

The office regrets any inconvenience this may have caused the client.

Telephone inquiries concerning this matter may be directed to Doshie E. Day (703) 308-3640.

Doshie E. Day  
Program Management Assistant  
Office Initial Patent Examination